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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,528

Applicant(s)

PASQUALI, SANDRO



Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 23-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 23-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 9-13 and 23-64 have been examined.

Claim Rejections - 35 USC § 112

2. Claim 32 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 32 appears to be incomplete.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, 56-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerace (5,848,396).

Claim 9, 23, 32, 43, 54: Gerace discloses a window object, system, method manifested within a windows based content manifestation, environment provided within a web browser client, comprising:

a content manifestation area configured to dynamically manifest advertising content received from an advertising content source via an electronic data network (Fig. 2; Fig. 3a; col 2, lines 3-30).

Gerace further discloses a control facility configured to control display attributes associated with said content manifestation area (col 5, lines 15-25).

Gerace further discloses a server system configured to transmit a software system and data related to a content source via an electronic data network (col 5, lines 15-25) and a web browser client, receiving said software system (col 6, lines 15-21; col 1, lines 44-51). Note that if the web browser software is distributed to the users that it is inherent that the users receive the web browsing software.

Gerace further discloses processing said software system and said data to produce a controllable window object within a content manifestation environment provided by said web browser (col 5, lines 15-25; col 6, lines 22-40; col 2, lines 3-30);

dynamically manifesting said content within said controllable window object in accordance with said data (col 5, lines 15-25; col 6, lines 22-40; col 2, lines 3-30).

Gerace further discloses that said windows object being under the direct control of the web browser (col 6, lines 15-21; col 1, lines 44-51).

Gerace further discloses the user utilizing a web browser and web browser software and distributing web browser software (col 6, lines 15-21; col 1, lines 44-51).

Claim 10, 24, 48: Gerace discloses the window object according to claim 9. Gerace further discloses that said content manifestation area is configured to dynamically receive content from at least one advertising content source (Fig. 2; Fig. 3a; col 5, lines 15-25; col 6, lines 22-40; col 2, lines 3-30).

Claim 11, 25, 38, 49, 60: Gerace discloses the window object according to claim 9. Gerace further discloses that said content manifestation area is configured to continuously receive and manifest a content stream (col 13, lines 50-61).

Claim 34-37, 45-47, 56-59: Gerace discloses the system according to claim 32. Gerace further discloses that said content source includes full motion video content, an audio feed (col 3, lines 5-10).

Gerace further discloses that said electronic data network is the Internet (col 3, lines 47-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (5,848,396).

Claim 12, 26: Gerace discloses the window object according to claim 9.

Gerace does not explicitly disclose that said content manifestation area is moveable and draggable within a content manifestation environment provided by a WWW browser.

However, Gerace discloses that said content manifestation area is moveable within a content manifestation environment provided by a WWW browser and that the position or placement of content screens can be modified (col 6, lines 30-40; col 11, lines 50-55).

Gerace further discloses utilizing sections in a screen view (col 2, lines 25-30; col 13, lines 50-61) and the utilization of a web browser (col 1, lines 44-51).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a content area can be moved by being dragged. One would have been motivated to do this in order to provide a standard positional control option when utilizing a web browser environment.

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Claim 13, 27-31, 33, 39-42, 44, 50-53, 55, 61-64: Gerace discloses the controllable window object according to claim 9, 23.

Gerace further discloses that said content manifestation area corresponds to a section of a screen within a content manifestation environment provided by a WWW browser client (col 6, lines 30-40; col 11, lines 50-55; col 2, lines 25-30; col 13, lines 50-61), wherein said control facility permits said content manifestation area to be re-sized or closed (col 11, lines 53-55).

Gerace further discloses control over size and placement of said controllable window object (col 3, lines 5-10; col 2, lines 24-28; col 6, lines 30-40; col 11, lines 50-55). Note that since Gerace has control over the size of different advertisements he also has control over the size of the screen that is utilized in presenting that advertisement.

Gerace does not explicitly disclose that the content manifestation area can be maximized or minimized.

However, Gerace discloses customization of screen format (col 11, lines 24-27), customization of screen positioning (col 11, lines 50-54) and customization of screen section sizes (col 6, lines 30-40). Gerace further discloses small screen options which can be clicked to expand into large screen options (col 13, lines 50-61). Gerace further discloses the utilization of a web browser (col 1, lines 44-51).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add maximizing or minimizing to Gerace' customizable screen interface. One would have been motivated to do this in order to provide further flexible display options.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Angles (5,933,811) discloses targeted/customized content and format to users with a specialized downloadable software module on the client machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran
Patent Examiner
7/14/04